

Frederick County Ethics Commission Minutes for the Public Meeting of Monday, July 9, 2012

Present: Hayden B. Duke, Chair
Paula C. Bell, Commission Member
Jesse Goode, Jr., Commission Member
Harold Otis, Commission Member
Philip A. Dacey, Commission Member
E. Donald Foster, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

The Frederick County Ethics Commission met at 7:00 p.m. on July 9, 2012, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Selection of a new Commission chair – Mr. Foster nominated Ms. Bell for Commission Chair. Mr. Duke nominated himself for Commission Chair. After Ms. Bell withdrew her name, Mr. Foster then seconded Mr. Duke's nomination. The Commission members unanimously approved Mr. Duke's selection as the new Chair, replacing Mr. Bickel, whose term ended on June 30, 2012.

Approval of the June 11, 2012 meeting minutes – A draft of the minutes was emailed to the Commission members before the meeting. There were no requests for changes.

MOTION: Mr. Otis made a motion to approve the minutes. Mr. Foster seconded the motion, which was approved with Mr. Duke, Ms. Bell, Mr. Otis, Mr. Goode and Mr. Foster voting in favor of the motion. Mr. Dacey abstained from voting, as his term on the Commission had not started at the time of the June 11 meeting.

Discussion of community outreach proposal – The members discussed the need to inform the community about the Ethics Ordinance and the role of the Ethics Commission. Mr. Duke suggested inviting members of the press to a Commission meeting and there was a discussion about having Commission members speak at civic group meetings. There was a suggestion that the members develop a list of contacts that the Commission could work with. Mr. Foster suggested that after the Commission adopts regulations, this could be part of the outreach effort. A suggestion was also made that the public be invited to forward ideas and suggestions to the Commission. Mr. Dacey agreed to work on revisions to information provided on the Commission's website.

Discussion of a request regarding a public statement issued by a County Commissioner – The Commission was advised that a County Commissioner had recently issued a written statement providing his opinion on a recent Supreme Court ruling. The statement, which was on County letterhead with the Commissioner's official title and was posted on the County's website, included a statement that the Supreme

Court ruling demonstrated the need for “conservative, pro-business, pro-jobs individuals” to be elected. The Commission discussed whether use of the Commissioner’s letterhead and posting the statement on the County website violated Section 1-7.1-5(G)(1)’s ban on the use of the prestige of office for the private gain of the Commissioner or another individual. The members expressed concern over the posting, but did not conclude that there had been a violation of the Ethics Ordinance. The Commission decided to issue an advisory opinion on the issue in order to provide general guidelines for use of County letterhead and the County website. The Commission also decided that Mr. Duke should discuss the Commission’s concerns with the Commissioner and provide guidance for the future.

Discussion of Section 1-7.1-5(E)(1) – The Commission continued its discussion from the last meeting of how Section 1-7.1-5(E)(1) of the Ethics Ordinance would apply to employees whose County positions are privatized. The members favored the approach taken by the State and concluded that the Commission should adopt regulations that would provide guidance. The Commission also asked that the County Manager’s Office be apprised of the status of the Commission’s efforts in this area. The Senior Assistant County Attorney will review the State’s regulations on post-employment restrictions and report back to the Commission.

Changes to the Commission’s Standard Operating Procedures – The Commission discussed the need for revisions to the Commission’s Standard Operating Procedures. Persons filing complaints should be asked to provide their email address, if they have one. The deadlines for responding to requests for Advisory Opinions and resolving complaints were considered too short, given that the Commission only meets monthly. The members also wanted to provide more flexibility in the way that complaints are decided so that formal hearings are not mandatory in all cases.

Selection of November meeting date – The second Monday of November, when the Commission would be scheduled to meet, is a County holiday. The Commission selected November 19 as the date for that month’s meeting.

Financial disclosure filing review – Mr. Dacey and Mr. Foster have completed their review of the annual financial disclosure statements. Mr. Foster suggested that in future years, the Commission members agree to split the review of the disclosure statements so that it would not be necessary for each member to review every statement.

Adjournment

MOTION: Mr. Dacey moved to adjourn the meeting. Ms. Bell seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 8:30 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney